REMARKS

1. Please withdraw the Amendment After Final Rejection dated September 18, 2006.

2. Please amend the claims as shown in Amendment of Claims at pages 2-3 hereof.

3. Claims which approximate the claims proffered after the final rejection are presented in "cleaner form", by cancelling the previous claims and presenting new claims 26-39. The approximate correspondence of claims is as follows:

9	27	16	37	22	33
10	28	17	39	23	34
12	26	19	30	24	35
13	29	20	31	25	38
15	36	21	32		

4. Method claims

Claim 26 is now the only independent method claim. The dependent claims, particularly claims 30, 31 and 32-35, have additive novelty as in part argued below. In the alternative they at least obtain novelty from the parent as more preferred embodiments and ought to be allowed as such.

The method of claim 26 is to installing chambers in a trench wherein the trench nominally fits and defines the path of the string of chambers, wherein, during the step of engaging the chambers the installer is standing in the trench.

A trench, known in the art and defined in dictionaries, is a long narrow slit in the soil. As described in the specification and known in the art, leaching chambers are commonly installed by digging a trench in soil, and placing the chambers in the trench, and then backfilling the soil. For obvious labor-related reasons, the trench is not made much wider than the chamber. The two closely spaced apart sidewalls of a trench present specific installation problems, as set forth in applicant's specification at pages 1, 6, 7 and Fig. 2, coping with which the invention greatly helps. Among the problems are that the location of the installer makes it difficult to engage the chambers and to avoid knocking dirt from the sidewalls.

Such problems/process are not present for arrays of storm chambers installed in pits, in accord with the Kruger et al. patent. Kruger et al. is vague and does not describe a trench, as Examiner has construed. It is well known that pits, not trenches, are used for Kruger type storm chambers which are laid side by side. See for instance, the cover page and Fig. 6 of

Pat. No. 6,612,777 to Maestro and the see the pictures, especially the lower-left scrolling pictures, at the website www.stormtech.com.

Even if Kruger's description was related to installation in trenches, there is no suggestion of any problem, of any motivation or reason to select chambers of 4-8 foot range, compared to the broader 2-10 foot range disclosed, or to select within the 4-8 foot rage as addressed next.

The rejection is under 35 USC 102. And Kruger discloses no distinction or difference amongst chambers within the 4-8 range, for any reason. Furthermore, Kruger's exemplary chamber is 7.5 to 8 feet long (paragraph 0028). That tends to teach toward the high end, away from the claimed invention.

Applicant's invention is based on a criticality and unexpected benefit of chambers within the Kruger range, as amply detailed in the specification. That would overcome a 35 USC 103 rejection, if such had been made. The interplay of non-obviousness with a 35 USC 102 rejection is addressed at MPEP 2131.04 (II).

In the present rejection, (a) each and every element of the method of installing is not described, as required to support a 35 USC 102 rejection; and (b) there is insufficient specificity in the reference to constitute anticipation under 35 USC 102.

With reference to the foregoing argument, claims 29-31 have further novelty with respect to a method using a particular kind of chamber. Please see the arguments relating to the article claims which follow.

5. Article claims

Independent claims 36 and 39 are pending and their precursors have been rejected under 35 USC 102 based on Kruger et al. Applicant does not claim just any chamber having a particular range of length, but rather a chamber having a certain set of properties which includes a length which has been shown to be critical and provide surprising results.

Claim 36 embraces a particular leaching chamber having a combination of properties which provide light per-unit-length weight but which also make the chamber much more bendable along its length axis, i.e., the chamber has a high flexibility factor. Interrelatedly, the chamber resists removal from the top of a stack. All that is in combination with a critical length.

Claim 39 similarly embraces a particular leaching chamber, one having a continuous curve arch shape cross section, substantially no ribs, and a related high flexibility factor. Interrelatedly, the chamber resists removal from the top of a stack. All that is in combination with a critical length.

The claimed chambers, with reference to data provided in the application, have a hereto unknown combination of properties. That property set includes the high flexibility factor, i.e., the property characterizing the extent of beam-like bending at the center of a 3 foot length of chamber when it is supported on spaced apart supports. That property is associated with the stack-removal problems, wherein lifting one end of the chamber does not lift the

opposing end, because of the bendability of the chamber. That problem is solved by combining a critical short length, as detailed in the specification, e.g. at pages 3, 9.

Each and every feature of the inventions of claims 36 and 39 are not disclosed in the Kruger patent or other art. Applicant repeats for completeness the essential arguments along the same lines as made above.

The rejection is under 35 USC 102. Kruger discloses no distinction or difference amongst chambers within the 4-8 range, for any reason. Furthermore, Kruger's exemplary chamber is 7.5 to 8 feet long (paragraph 0028). That tends to teach toward the high end, away from the claimed invention.

Applicant's invention is based on a criticality and unexpected benefit of chambers within the Kruger range, as amply detailed in the specification, which includes length in combination with flexibility factor. The concept of bendability or flexibility factor is not even conceived as a consequential property of a chamber in Kruger or elsewhere. Those aspects would overcome a 35 USC 103 rejection, if such had been made. The interplay of non-obviousness with a 35 USC 102 rejection is addressed at MPEP 2131.04 (II).

In the present rejection, (a) each and every element of the claimed chamber is neither disclosed nor inherent in the cited prior art, as required to support a 35 USC 102 rejection; and (b) there is insufficient specificity in the reference to constitute anticipation under 35 USC 102.

Dependent claim 37 should be allowed as a more particular embodiment; as also ought claims 38 and 40, which embrace more particular embodiments and thus more unique embodiments.

Wherefor, reconsideration and allowance are requested.

Respectfully submitted,
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